

# MEMORANDUM

March 22, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

GILBERT M. NISHIMURA  
Seki, Nishimura, Watase

RE: Joseph Burris v. County of Los Angeles  
United States District Court Case No. CV-04-09967 RSWL

DATE OF  
INCIDENT: February 27, 2004

AUTHORITY  
REQUESTED: \$46,000

COUNTY  
DEPARTMENT: Sheriff's Department

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## CLAIMS BOARD ACTION:

☒ Approve

☐ Disapprove

☐ Recommend to Board of  
Supervisors for Approval

ABSENT, Chief Administrative Office  
**ROCKY A. ARMFIELD**

John F. Krattli, County Counsel  
**JOHN F. KRATTLI**

Maria M. Oms, Auditor-Controller  
**MARIA M. OMS**

on April 3, 2006

## SUMMARY

This is a recommendation to settle for \$46,000 the federal civil rights lawsuit filed by Joseph Burris, who alleges that he was subject to excessive force while an inmate in the Los Angeles County Jail.

## LEGAL PRINCIPLE

It is a violation of federal civil rights for a peace officer to use more force than is necessary to effect an arrest, prevent escape, or overcome resistance.

A prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

## SUMMARY OF FACTS

On February 27, 2004, Joseph Burris, who is a partial quadriplegic with some limited use of his arms, was an inmate in the Los Angeles County Jail. Mr. Burris, who was waiting to make a phone call, was upset with a Deputy who would not allow him to make a phone call right away. Mr. Burris maneuvered his wheelchair toward the Deputy and made a disparaging racial remark.

In response to the remark, the Deputy went over to Mr. Burris and began to wheel him to an isolation cell. When they arrived at the cell, Mr. Burris fell out of his wheel chair onto the floor. Mr. Burris claims that he was thrown from his wheelchair. According to the Deputy, after Mr. Burris fell to the floor, he began to flail his arms in an attempt to hit or grab her. The Deputy sprayed him in the face with pepper spray, and then moved him into the isolation cell.

## DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Emotional distress	\$ 50,000
Civil rights attorneys' fees	<u>\$150,000</u>
Total	<u>\$200,000</u>

The proposed settlement calls for the County to pay Mr. Burris \$46,000 for all of his claims for damages, costs, and attorneys' fees.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

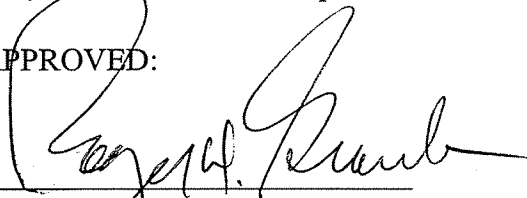
Expenses incurred by the County in defense of this action are attorneys' fees of \$20,628 and \$3,907 in costs.

## EVALUATION

This is a case of probable liability. It is unlikely a jury would conclude that Mr. Burris was a danger to the Deputy in light of his physical limitations. While his damages are not extensive, a reasonable settlement at this time will avoid further litigation costs and a potential verdict that could exceed the proposed settlement.

We recommend a settlement of this matter in the amount of \$46,000. The Sheriff's Department concurs with this recommendation.

APPROVED:

  
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ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

RHG:scr